APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,921	06/23/2000	Therese A. Voevodsky	COM31 P-301	1017

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EXAMINER
PARDO, THUY N

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/602,921		VOEVODSKY, THERESE A.	
	Examiner		Art Unit	
	Thuy Pardo		2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 May 2003 and 27 June 2003_ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 June 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 09

DETAILED ACTION

1.   Applicant's Request for RCE filed on June 27, 2003 and Amendment filed on May 12,

2003 has been reviewed. Claims 8, 8, 15 have been amended.

2.   Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1© of this title before the invention
> thereof by the applicant for patent.

4.   Claims 1, 3-8, 10-15, and 17-21 are rejected under 35 U.S.C. § 102(e) as being anticipated

by **Kahn et al.** (Hereinafter "Kahn") US Patent No. 6,401,079.

As to claim 1, Kahn teaches a computer system that facilitates automated comparison of

employee data between a plurality of subscribers [salary surveys across different employers, col. 22,

lines 10-14], comprising the steps of:

maintaining a database of subscriber data [a central database, see the abstract] that is

provided by a plurality of subscribers [employer remote terminals, 10 of fig. 1], the subscriber data

including employee data for a plurality of employees [employee data, 30 of fig. 1], wherein the

employee data is correlated to a plurality of employee attributes [name, employee number, social

security number, date of birth, etc., col. 11, lines 59 to col. 12, lines 10], and wherein the plurality

of employee attributes includes at least one of an employee skill and an employee responsibility

[Scientist or Developer which are classified in a standard or high risk job, fig. 30(a)] and the plurality

of subscribers includes at least two subscribers from non-related companies [each employer has its

own custom policies, col. 5, lines 32-35];

receiving a query from a specific subscriber, the query including at least one desired

employee attribute [SQL statements that calculate legally-required overtime for employee, col. 14,

lines 20-67; fill in "Accrual Rates Table", fig. 10(b); col. 30, lines 42-67]; and

compiling a report from the database in response to the query [comparative salary survey for

particular jobs can be aggregated from multiple employers, col. 37, lines 63-67], the report providing

associated employee data for employees that have the at least one desired employee attribute

[industry-standard job classifications, col. 22, lines 7-14].

As to claim 3, Kahn teaches the invention substantially as claimed as specified in claim 1.

Kahn further teaches associating the query with the specific subscriber [SQL statements that

calculate legally-required overtime for employee, col. 14, lines 20-67];

storing the query [stored procedure contains SQL statements, col. 14, lines 31-43]; and

providing an updated report [updating the employee's paycheck due to the rules that have been updated or created, col. 15, lines 20-31; col. 14, lines 8-67] when the specific subscriber selects the stored query [stored procedure will clear out any previous calculated overtime from the employee's timesheet and insert the newly calculated overtime hours, col. 14, lines 56-61], wherein the specific subscriber is not required to again enter at least one desired employee attribute associated with the stored query [rules and calculations can be easily modified by adding or deleting steps within database tables, without manually modifying the SQL statements within the stored procedures, col. 14, lines 20-30].

As to claim 4, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the employee data is employee compensation data [col. 11, lines 64 to col. 12, lines 6] and the report provides a comparison between the employee compensation data of the specific subscriber and the employee compensation data of all other subscribers with the at least one desired employee attribute [employer can also view the raw data and summary data in the context of various reports that compare the employee to other employees, col. 17, lines 35-59; Job classification including classification name, and the ID of the employer using a particular job classification, and this information can be used to create salary surveys across different employers, see col. 22, lines 7-14].

As to claim 5, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the query includes at least one scope measure [enter the number of months employed: 8 and check calculated accrual rate, see fig. 10(c)].

As to claim 6, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the report includes a summary of the desired employee attribute used to compile the report [statements reporting payment per employee, col. 19, lines 42-67].

As to claim 7, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches that the report includes the employee data in tabular and graphical format [fig. 45a illustrates a paycheck, see tables and graphical forms, fig. 5-46(b)].

As to claim 8, Kahn teaches the invention substantially as claimed as specified in claim 1. Kahn further teaches a processor [PC, col. 1, lines 11-22; processing units, col. 57, lines 53-55]; a memory subsystem for storing data and information [see 30, 40, 50, 60, 70, 80, 82, 84, 86, 90, 100, 110, 112, 114, 116, and 120 of fig.]; and executable code located within the memory subsystem for the system to perform the method steps as specified in claim 1 [workflow sequence data 116 includes information and executable code that enables employers to create customized, automated workflows through the system user interface screens, col. 13, lines 58-61].

As to claim 10, all the limitations of this claim have been rejected in the analysis of claim 3 above; therefore, this claim is rejected on that basis.

As to claim 11, all the limitations of this claim have been rejected in the analysis of claim 4 above; therefore, this claim is rejected on that basis.

As to claim 12, all the limitations of this claim have been rejected in the analysis of claim 5 above; therefore, this claim is rejected on that basis.

As to claim 13, all the limitations of this claim have been rejected in the analysis of claim 6 above; therefore, this claim is rejected on that basis.

As to claim 14, all the limitations of this claim have been rejected in the analysis of claim 7 above; therefore, this claim is rejected on that basis.

As to claim 15, Kahn teaches the invention substantially as claimed as specified in claims 1 and 8 above. Kahn further teaches compensation data for employees [payroll data, benefits data, 50, 60 of fig. 1; see the abstract].

As to claim 17, all the limitations of this claim have been rejected in the analysis of claims 3 and 10 above; therefore, this claim is rejected on that basis.

As to claim 18, all the limitations of this claim have been rejected in the analysis of claims

4 and 11 above; therefore, this claim is rejected on that basis.

As to claim 19, all the limitations of this claim have been rejected in the analysis of claims

5 and 12 above; therefore, this claim is rejected on that basis.

As to claim 20, all the limitations of this claim have been rejected in the analysis of claims

6 and 13 above; therefore, this claim is rejected on that basis.

As to claim 21, all the limitations of this claim have been rejected in the analysis of claims

7 and 14 above; therefore, this claim is rejected on that basis.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 2, 9, and 16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kahn**

et al. (Hereinafter "Kahn") US Patent No. 6,401,079, in view of **Nguyen et al.** (Hereinafter

"Nguyen") U.S. Patent No. 5,737,592.

As to claim 2, Kahn teaches the invention substantially as claimed. However, Kahn does not

explicitly teach that the report is electronically provided to the specific subscriber via an HTML form

although it has the same functionality of facilitating online payroll and benefits administration

systems [see the abstract]. Nguyen teaches executing SQL queries in a RDBMS via World Wide

Web of the Internet and the results output by RDBMS software are themselves transformed into

HTML format for presentation to the Web user. Therefore, It would have been obvious to one of

ordinary skill in the Data Processing art at the time of the invention to have modified the Web-based

communication service system of Kahn wherein the transfer of results output such as reports via a

standard Web browser provided thereof would have incorporated the teachings of Nguyen especially

the methodology of transforming the results output into HTML format for presentation to the Web

users. The motivation being to enhance the versatility of Kahn's system by allowing results output

such as reports being transformed into HTML format for presentation to the Web users [see the

abstract of Nguyen, lines 8-10].

As to claim 9, all the limitations of this claim have been rejected in the analysis of claim 2

above; therefore, this claim is rejected on that basis.

As to claim 16, all the limitations of this claim have been rejected in the analysis of claim

2 above; therefore, this claim is rejected on that basis.

Response to Arguments

7.   (A) Applicant argues that Kahn does not teach correlating employee data to a plurality of

employee attributes. Further, Kahn does not teach receiving a query, which includes at least one

desired employee attribute from a specific subscriber and compiling a report which provides

associated employee data for employees that have the at least one desired employee attribute.

As to point (A), Examiner respectfully disagrees. Examiner believes that this feature is taught

by Kahn. Kahn teaches SQL statements (or query) that calculate legally-required overtime (desired

attribute) for all employees, collect the list of non-exempt employees in the payroll group, and for

each such employee [see col. 14, lines 31-39]. Kahn also teaches correlating employee data to a

plurality of employee attributes by allocating the sharing of payments for other employee benefit

programs between employers and employees [col. 5, lines 40-46] in order to compile a custom report

to the appropriate party such as an employer [comparative salary survey for particular jobs can be

aggregated from multiple employers, col. 37, lines 63-67].

(B) Applicant argues that the employee data is not an employee's attribute as defined in

Applicant's Specification.

As to point (B), Examiner respectfully disagrees. Applicant's argument that the references

fail to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., "skills and responsibilities") are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner believes that employee data such as an employee name, employee ID, employee SSN, date

of birth, etc., are considered attributes of an employee in a database.

(C) Applicant argues that Kahn does not teach associating a query with a specific subscriber,

storing the query and providing an updated report when the specific subscriber selects the stored

query, such that the specific subscriber is not required to again enter at least one desired employee

attribute associated with the stored query.

As to point (c), Examiner respectfully disagrees. Examiner believes that this feature is taught

by Kahn. Kahn teaches associating the query with the specific subscriber [SQL statements that

calculate legally-required overtime for employee, col. 14, lines 20-67];

storing the query [stored procedure contains SQL statements, col. 14, lines 31-43]; and

providing an updated report [updating the employee's paycheck due to the rules that have

been updated or created, col. 15, lines 20-31; col. 14, lines 8-67] when the specific subscriber selects

the stored query [stored procedure will clear out any previous calculated overtime from the

employee's timesheet and insert the newly calculated overtime hours, col. 14, lines 56-61], wherein

the specific subscriber is not required to again enter at least one desired employee attribute associated

with the stored query [rules and calculations can be easily modified by adding or deleting steps

within database tables, without manually modifying the SQL statements within the stored

procedures, col. 14, lines 20-30].

8.   Applicant's arguments have been fully considered but they are not persuasive.

9.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can .

normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Dov Popovici, can be reached at (703) 305-3830.

        The fax phone number for the organization where this application or proceeding is assigned

are as follows:

        (703) 746-7238   (After Final Communication)

        (703) 746-7239   (Official Communication)

        (703) 746-7240   (For Status inquiries, draft communication)

and/or:

        (703) 746-5616 *(Use this Fax#, only after approval by Examiner, for "INFORMAL" or*

"Draft" communication. Examiner may request that a formal/amendment be faxed directly to

them on occasions).

        Any inquiry of a general nature of relating to the status of this application should be directed

to the Group receptionist whose telephone number is (703) 305-3900.

10.   **Any response to this action should be mailed to:**

        Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

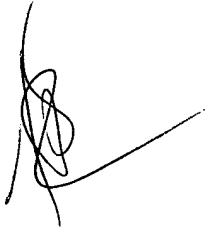(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Thuy Pardo
August 07, 2003